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7 *Class Counsel for the  
8 Indirect Purchaser Plaintiffs*

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13 IN RE: CATHODE RAY TUBE (CRT)  
14 ANTITRUST LITIGATION

15 This Document Relates to:

16 INDIRECT PURCHASER ACTIONS FOR  
17 THE 22 STATES

MASTER FILE NO. 4:07-cv-5944-JST  
Case No.: 4:13-cv-03234-JST

MDL NO. 1917

**DECLARATION OF JOSEPH M. FISHER  
RE: AMENDMENTS TO THE  
SETTLEMENTS**

Hearing Date: October 23, 2019  
Time: 2:00 p.m.  
Courtroom: 6, 2<sup>nd</sup> Fl. (Oakland)  
Judge: Hon. Jon S. Tigar

1 I, Joseph M. Fisher, declare:

2 **INTRODUCTION**

3       1. Identification. I am the president of The Notice Company, Inc., a Massachusetts  
4 corporation with offices at 94 Station Street, Hingham, MA 02043 (“The Notice Company” or  
5 “Settlement Administrator”). The Notice Company is principally engaged in the administration of  
6 class action settlements and lawsuits pending in courts around the United States, including the  
7 dissemination of notice to class members, administering the claims process, and distributing the  
8 proceeds of the litigation to the class. I have over 15 years of experience assisting attorneys with  
9 class action notices and claims administration. I am also a member in good standing of the bars of  
10 the Commonwealth of Massachusetts, the District of Columbia, and the Commonwealth of Virginia.  
11 I am over 21 years of age and not a party to this action. I have personal knowledge of the facts set  
12 forth herein and, if called as a witness, could and would testify thereto under oath.

13       2. Settlements. The Notice Company has served as the Settlement Administrator for the  
14 cathode ray tube (“CRT”) indirect-purchaser plaintiffs (“IPP”) settlements with Chunghwa Picture  
15 Tubes, Ltd; the LG Electronics defendants (LG Electronics, Inc., LG Electronics U.S.A., Inc., and  
16 LG Electronics Taiwan Taipei Co., Ltd); the Philips defendants (Koninklijke Philips N. V. (f/k/a  
17 Koninklijke Philips Electronics N. V.); Philips Electronics North America Corporation; Philips  
18 Taiwan Limited (f/k/a Philips Electronics Industries (Taiwan), Ltd.); and Philips do Brasil, Ltda.  
19 (f/k/a Philips da Amazonia Industria Electronica Ltda.)); the Panasonic defendants (Panasonic  
20 Corporation (f/k/a Matsushita Electric Industrial Co., Ltd.); Panasonic Corporation of North  
21 America; MT Picture Display Co., Ltd.; and an affiliate of Panasonic Corporation, Beijing  
22 Matsushita Color CRT Co., Ltd.); the Hitachi defendants (Hitachi, Ltd.; Hitachi Displays, Ltd. (n/k/a  
23 Japan Display Inc.); Hitachi Electronic Devices (USA), Inc.; Hitachi Asia, Ltd.; and Hitachi  
24 America, Ltd.); the Toshiba defendants (Toshiba Corporation; Toshiba America Information  
25 Systems, Inc.; Toshiba America Consumer Products, L.L.C.; and Toshiba America Electronic  
26 Components, Inc.); the Samsung SDI defendants (Samsung SDI Co. Ltd; Samsung SDI America,  
27 Inc.; Samsung SDI Brasil, Ltda.; Tianjin Samsung SDI Co., Ltd.; Shenzhen Samsung SDI Co., Ltd;  
28 Samsung SDI Malaysia Sdn. Bhd; and Samsung SDI Mexico S.A. de C. V.); the Thomson

1 defendants (Technicolor SA (f/k/a Thomson SA) and Technicolor USA, Inc. (f/k/a Thomson  
 2 Consumer Electronics, Inc.); and Technologies Displays Americas LLC (f/k/a Thomson Americas  
 3 LLC). These settlements are collectively referred to as the “Settlements.”

4       3.     Prior Report on Claims. Last year I submitted a Declaration reporting on claims made  
 5 in these Settlements, filed March 7, 2018 (ECF No. 5255-1).

6       4.     Purpose of Declaration. Class Counsel has requested that I provide updated claims  
 7 information, including a projected compensation value for weighted CRT units.<sup>1</sup> Class Counsel has  
 8 also requested that I review the notice program as proposed in the accompanying motion and  
 9 develop the details for its implementation.<sup>2</sup>

10      5.     Summary of Claims and Units - Timely. In response to the notice program previously  
 11 administered, the Settlement Administrator received 154,175 claims that were submitted on or  
 12 before the deadlines established by the Court (“Timely Claims”). Those deadlines were December 7,  
 13 2015, which applied to all end-user claims other than California natural persons, and June 30, 2016,  
 14 which was the extended deadline for California natural persons (collectively “Applicable  
 15 Deadlines”). Following reviews and audits by the Settlement Administrator, the aggregate number of  
 16 weighted CRT units associated with Timely Claims currently amounts to 67,812,128 weighted CRT  
 17 units.<sup>3</sup>

18      6.     Summary of Claims and Units - Late. Claims submitted after the Applicable  
 19 Deadlines are referred to as “Late Claims.” As of October 1, 2018, the Settlement Administrator had  
 20 received 4,607 Late Claims. Following reviews and audits by the Settlement Administrator, the

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23      <sup>1</sup> As described in the Detailed Notice of Settlements that was approved for the Indirect Purchaser  
 24 Settlements (ECF No. 3861-1), payment amounts are being calculated using the following weights:  
 25 standard CRT televisions (screen size of less than 30 inches) have a weight of 1; large CRT  
 26 televisions (screen size of 30 inches or larger) have a weight of 4.3; CRT computer monitors have a  
 27 weight of 3. Accordingly, a claim for 1 standard CRT television, 1 large CRT television, and 1 CRT  
 28 computer monitor would constitute a claim for 8.3 weighted CRT units.

2      <sup>2</sup> The motion accompanying this Declaration is IPPs’ Motion Pursuant To Ninth Circuit Mandate To  
 Reconsider And Amend Final Approval Order, Final Judgment and Fee Order (ECF Nos. 4712,  
 4717, 4740) (the “Motion to Reconsider and Amend”).

3      <sup>3</sup> Final numbers may be revised pending resolution of ongoing audits and reviews of claims.

1 aggregate number of weighted CRT units associated with Late Claims currently amounts to  
 2 13,002,458 weighted CRT units.<sup>4</sup>

3       7.     Value of CRT Units. The original amount of the Settlements totaled \$576,750,000.  
 4 The net amount available for distribution to claimants will be calculated by subtracting attorneys'  
 5 fees and incentive awards, litigation expenses, costs of notice and claims administration, payments to  
 6 the attorneys general of Illinois and Oregon, and such other amounts as may be approved by the  
 7 Court. Accrued interest would be added to the fund.<sup>5</sup> The proposed amendments ("Amendments to  
 8 the Settlements") would reduce the gross value of the Settlements by \$29,000,000 accompanied by a  
 9 corresponding reduction in attorneys' fees.<sup>6</sup> Based on my current estimate of the resulting net  
 10 amount available to pay claimants, a weighted CRT unit would be valued at approximately \$6.10 if  
 11 only Timely Claims are entitled to compensation.<sup>7</sup> A weighted CRT unit would be valued at  
 12 approximately \$5.12 if both Timely Claims and Late Claims are entitled to participate equally in  
 13 these Settlements.<sup>8</sup>

14       8.     Payments to Claimants. If final approval is granted to the Amendments to the  
 15 Settlements and a plan of distribution is approved, end-user Claimants who submitted valid claims  
 16 within the time deadlines established by the Court will be paid based on the accepted number of  
 17 weighted CRT units.<sup>9</sup> The Settlement Administrator anticipates issuing checks or distributing

19       <sup>4</sup> Final numbers may be revised pending resolution of ongoing audits and reviews of claims.

20       <sup>5</sup> Class Counsel has requested that a portion of the interest accruing on the settlement fund be  
 21 allocated to attorneys' fees on a *pro rata* basis. In IPPs' motion accompanying this Declaration,  
 22 accrued interest is estimated to be approximately \$13,000,000. The amount requested for attorneys'  
 23 fees represents 23.66% of the common fund. Thus, \$3,076,004 of accrued interest would be  
 24 allocated to Class Counsel and \$9,923,996 would be added to the amounts available for distribution  
 25 to claimants.

26       <sup>6</sup> Class Counsel originally requested an award of attorneys' fees calculated as 33.3% of the common  
 27 fund (ECF No. 4071). The Court's Order on Attorneys' Fees, Expenses, and Incentive Awards filed  
 28 August 3, 2016 (ECF No. 4740) lowered the attorneys' fees award to 27.5% of the common fund. As  
 noted above, Class Counsel now requests an award of attorneys' fees that would further reduce the  
 percentage from 27.5% to 23.66%.

7 This calculation ignores the condition that claimants receive a minimum payment of \$25, which  
 will increase the value of a weighted CRT unit only for small claims. *See note 9, infra.*

8 These are estimated numbers subject to revision. Late Claims are continuing to be received and not  
 all Late Claims have been reviewed or audited.

9 Payments will be subject to the following provision that was included in the Detailed Notice of  
 Settlements (ECF No. 3861-1): "It is expected that a minimum payment of \$25 will be made to all

1 payments directly into a claimant's designated online account. Such accounts may include accounts  
 2 with Amazon, Google Wallet, PayPal, or others as may be authorized by claimants.

3       9.     Notice Program for the Amendments to the Settlements. Class Counsel proposes to  
 4 provide direct email and/or mail notice to all Class Members who have filed claims, objected to or  
 5 excluded themselves from the Settlements, or who have otherwise requested that they be notified of  
 6 developments in this case (the "Notice List"). The notices would summarize the proposed  
 7 Amendments to the Settlements and the reduced fee award, and highlight the dates for submitting  
 8 objections or comments, and/or for appearing at the hearing on those motions. The proposed  
 9 Detailed Notice<sup>10</sup> would also confirm that the deadline for opt outs has passed, that there is no new  
 10 opportunity to request exclusion from the Settlements, and that persons or entities that previously  
 11 excluded themselves may not rejoin the Settlements. Attached hereto as **Exhibits A and B**,  
 12 respectively, are forms of the proposed Postcard Notice and Email Notice. The Email Notice would  
 13 be sent to all persons on the Notice List who provided an email address. Postcards would be sent to  
 14 all persons on the Notice List where (a) no email address was provided or (b) where attempts to send  
 15 email notice to persons who provided email addresses result in a bounce back of the message to the  
 16 Settlement Administrator indicating a failure to deliver the email.<sup>11</sup> Prior to mailing the postcard  
 17 notices, the Settlement Administrator will submit the Notice List for National Change of Address  
 18 ("NCOA") updates utilizing the NCOA<sup>Link</sup> service as licensed by the U.S. Postal Service. The  
 19 NCOA<sup>Link</sup> process improves mail deliverability by providing mailers with current, standardized,  
 20 delivery point coded addresses for individual, family, and business moves. The NCOA<sup>Link</sup> process  
 21 attempts to match each name and address on the mailing list against the NCOA<sup>Link</sup> database  
 22 consisting of approximately 160 million records of 48 months of permanent address changes as filed

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23  
 24 Statewide Damages Class Members who submit a valid claim. The maximum payment will be three  
 times the estimated money damages for each claimant."

25       <sup>10</sup> See ¶ 10, *infra*.

26       <sup>11</sup> If an intended recipient has an email inbox quota that has been exceeded, or if the intended  
 27 recipient's mail server is temporarily unavailable, the Settlement Administrator might receive a "soft  
 28 bounce" from that remote server with information that the email message was unable to be delivered,  
 usually accompanied by a specific reason. A soft bounce is typically a temporary problem and the  
 Settlement Administrator may try to send its email message again before electing to mail a postcard  
 to such person.

1 by relocating postal customers. For claimants represented by a claims aggregator or third-party  
2 claim-submission company, notice will be sent to each such third-party company with the request  
3 that it directly notify its clients.<sup>12</sup> The estimated cost for the above-described notice program is  
4 \$40,000.

5 10. Notice on the Settlement Website. The Postcard Notice and Email Notice will direct  
6 recipients to obtain additional information at [www.CRTclaims.com](http://www.CRTclaims.com) (the “Settlement Website”). The  
7 Settlement Website will be updated to include a Detailed Notice concerning the Amendments to the  
8 Settlements, substantially in the form attached hereto as **Exhibit C.**<sup>13</sup> Copies of the Motion To  
9 Reconsider and Amend and the Amendments themselves will also be posted on the Settlement  
10 Website. The Settlement Website would also highlight the dates for the approval hearing and the  
11 deadline for submissions in connection with that hearing. This information will be available to all  
12 visitors to the Settlement Website, regardless of whether they received a postcard or email notice.  
13 The Settlement Website continues to be an ongoing method for providing information about these  
14 Settlements.<sup>14</sup>

15 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
16 knowledge.

17 Executed at Hingham, Massachusetts, this 16<sup>th</sup> day of September, 2019.

18   
19 \_\_\_\_\_  
20 JOSEPH M. FISHER  
21  
22  
23  
24

25 <sup>12</sup> If a claims aggregator or third-party claim-submission company informs the Settlement  
Administrator that the company no longer represents a particular claimant, the Settlement  
Administrator would follow up and provide notice to such claimant.

26 <sup>13</sup> A Spanish version of the Detailed Notice will also be available at the Settlement Website.

27 <sup>14</sup> Since the Court granted final approval to the Settlements on July 7, 2016, visits to the Settlement  
Website have been continuing. From July 8, 2016, to the present, 89,796 users have visited the  
Settlement Website for a total of 134,682 sessions and 516,223 pageviews.

**DECLARATION OF JOSEPH M. FISHER**

**EXHIBIT A**

Case 4:07-cv-05944-JST  
Important Legal Notice  
for Indirect Purchasers  
of CRT Products:

Document 5587-2 Filed 09/16/19 Page 8 of 20

CRT Claims  
c/o The Notice Company  
P. O. Box 778  
Hingham, MA 02043

Amendments to six  
settlements have  
been reached with  
defendants in class  
action lawsuits.

Further information is  
available at  
**www.CRTclaims.com**

This notice is for persons and entities that submitted claims, excluded themselves, objected to, or requested information in connection with six settlements of lawsuits brought on behalf of indirect purchasers of televisions, computer monitors and other products containing a Cathode Ray Tube ("CRT Products"). The lawsuits are titled *In re: Cathode Ray Tube (CRT) Antitrust Litigation*, MDL No. 1917, U.S. District Court for the Northern District of California.

Under the amendments, the six settlements now (1) total \$512,750,000 plus accrued interest; (2) provide that Class Counsel will reduce their attorneys' fee request by \$29,000,000 so that the net settlement fund after deducting attorneys' fees is unchanged; (3) apply only to consumers who purchased CRT Products in AZ, D.C., CA, FL, HI, IA, KS, ME, MI, MN, MS, NE, NV, NM, NY, NC, ND, SD, TN, VT, WV, and WI; and (4) no longer release claims for consumer purchases made in all other jurisdictions. Your options at this time are:

**•Do nothing.** Any valid claim you submitted will be paid after the Court grants final approval and after any appeals are resolved.

- Object by December XX, 2019.** You or your attorney may file with the Court objections to the amendments to the settlements or to the request for attorneys' fees.
- Attend the hearing on January XX, 2019.** You and/or your attorney may attend the Court's hearing on approval of the amended settlements and attorneys' fee request. This hearing date may change. Check the website listed below for updates.
- Detailed notice and electronic payment.** You may obtain a more detailed notice, and claimants may sign up for electronic payment of their claims at the website listed below or by contacting the claims administrator.

For complete information or to obtain the Detailed Notice, go to: **[www.CRTclaims.com](http://www.CRTclaims.com)**. You may contact the Claims Administrator at 1-800-649-0963 or by writing to: CRT Claims, c/o The Notice Company, P.O. Box 778, Hingham, MA 02043. Para una notificación en Español, llamar o visitar nuestro website.

**DECLARATION OF JOSEPH M. FISHER**

**EXHIBIT B**

## **Email Notice**

Subject: Important Legal Notice for Indirect Purchasers of CRT Products regarding Amendments to Class Action Settlements

This Notice is authorized by the U.S. District Court for the Northern District of California in the case entitled *In re: Cathode Ray Tube (CRT) Antitrust Litigation*, MDL No. 1917. This is not a solicitation from a lawyer.

This notice is for persons and entities that submitted claims, excluded themselves, objected to or requested information in connection with six settlements of lawsuits brought on behalf of indirect purchasers of televisions, computer monitors and other products containing a Cathode Ray Tube (“CRT Products”). The lawsuits are titled ***In re: Cathode Ray Tube (CRT) Antitrust Litigation***, MDL No. 1917, in the U.S. District Court for the Northern District of California. The address of the Court is 1301 Clay Street, Suite 400 S, Oakland, CA 94612.

### **Amendments to the six settlements have been reached with the defendants.**

Copies of the Amendments to the settlements and a more detailed notice regarding the Amendments are available online at <active link> [www.CRTclaims.com](http://www.CRTclaims.com) </active link> or by calling toll-free at 1-800-xxx-xxxx.

Please read the notice carefully. Your legal rights may be affected whether or not you act.

Under the Amendments, the six settlements now: (1) total \$512,750,000 plus accrued interest; (2) provide that Class Counsel will reduce their attorneys' fee request by \$29,000,000 so that the net settlement fund after deducting attorneys' fees is unchanged; (3) apply only to consumers who purchased CRT Products in AZ, D.C., CA, FL, HI, IA, KS, ME, MI, MN, MS, NE, NV, NM, NY, NC, ND, SD, TN, VT, WV, and WI; and (4) do not apply to claims for consumer purchases made in all other jurisdictions, which claims are no longer being released.

The Court previously approved settlements with two other defendants, Chunghwa and LG, for \$35,000,000. Those settlements are final and are not impacted by the Amendments. The total for all settlements reached in this litigation is now \$547,750,000.

Your options at this time are:

- **Do nothing.** Any valid claim you submitted will be paid after the Court grants final approval and after any appeals are resolved
- **Object by November XX, 2019.** You or your attorney may file with the Court, at the address listed above, objections to the amendments to the settlements or to the request for attorneys' fees. Objections must be written, signed and dated and include the following information:
  - Your name, address, telephone number, and if you are being assisted by a lawyer, the lawyer's name, address and telephone number;
  - The Action name and number (*In Re: Cathode Ray Tube (CRT) Antitrust Litigation*, MDL No. 1917);

- Proof of membership in one or more of the 22 Indirect Purchaser State Classes; and
- A brief explanation of your reasons for objecting.
- **Attend the hearing on December XX, 2019.** You and/or your attorney may attend the Court's hearing on approval of the amended settlements and the attorneys' fee request. This hearing date may change. Check the website listed below for updates.
- **Detailed notice and electronic payment.** You may obtain a more detailed notice <active link> [here](#) <active link>, and claimants may sign up for electronic payment<active link> [here](#) <active link>, or may do either at the website listed below or by contacting the claims administrator.

Questions? Contact us as follows:

CRT Claims Administrator  
c/o The Notice Company  
P.O. Box 778  
Hingham, MA 02043  
1-800-649-0963  
[www.CRTclaims.com](http://www.CRTclaims.com)

----- End of Email Notice -----

[Note: In order to increase the chances that an email message will be delivered to and opened by the intended recipients, neither the Detailed Notice nor the Summary Notice will be attached to the email. Some email recipients will automatically delete, without opening, emails containing attachments if the sender is unknown. In addition, various email servers have implemented the following bounce feature: "Mail Block - Attachment Detected (MBAD)", which indicates that the recipient's email server will block an email because the message contains an attachment. This may be reported as "552 Disapproved attachment."]

**DECLARATION OF JOSEPH M. FISHER**

**EXHIBIT C**

U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

## Amendments to Settlements Have Been Reached With Seven Defendants in the Cathode Ray Tubes (CRT) Indirect Purchaser Class Actions

*A Federal Court authorized this notice. This is not a solicitation from a lawyer.*

- Please read this notice carefully. Your legal rights may be affected whether or not you act.
- This is the fourth legal notice in the indirect purchaser litigation known as *In re: Cathode Ray Tube (CRT) Antitrust Litigation*, MDL No. 1917, in the U.S. District Court for the Northern District of California. There are nine settlements in this litigation involving alleged overcharges on the price of Cathode Ray Tube (“CRT”) Products purchased indirectly from the Defendants. “CRT Products” include CRTs and products containing CRTs, such as televisions and computer monitors. “Indirectly” means that you purchased the CRT Product from someone other than a Defendant or alleged co-conspirator. For example, you bought a television containing a CRT from a retailer, such as Best Buy or Costco, or a computer monitor containing a CRT from Dell.
- The Court previously approved settlements with two Defendants, Chunghwa and LG, for \$35,000,000. Six settlements with seven additional Defendants, Philips, Panasonic, Hitachi, Toshiba, Samsung SDI, Thomson and TDA, totaling \$541,750,000, were approved by Court in 2016 (the “2016 Settlements”). Thus, settlements with all nine defendants previously totaled \$576,750,000.
- Plaintiffs have agreed to amend the 2016 Settlements to address objections by certain class members, and have entered into “Amendments” with each of the seven Defendants.
- The Amendments (1) reduce the total Settlement Amount for the six settlements by \$29,000,000 to \$512,750,000 plus accrued interest; (2) provide that Class Counsel will reduce their attorneys’ fee request by \$29,000,000 so that the net settlement fund for the 2016 Settlements after deducting attorneys’ fees is unchanged; and (3) apply only to consumers who purchased CRT Products in Arizona, the District of Columbia, California, Florida, Hawaii, Iowa, Kansas, Maine, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, South Dakota, Tennessee, Vermont, West Virginia, and/or Wisconsin (the “22 Indirect Purchaser State Classes”). The Amendments provide that the 2016 Settlements do not release the claims of consumers who purchased CRT Products in all other states, who no longer are included in the Settlement Class. All other terms of the 2016 Settlements remain the same. The total settlements among the nine defendants now total \$547,750,000.
- This notice is directed to members of the 22 Indirect Purchaser State Classes who submitted a claim, objected to, requested exclusion from, or requested updates related to the 2016 Settlements.

YOUR LEGAL RIGHTS AND OPTIONS IN THE AMENDMENTS TO THE SETTLEMENTS	
<b>OBJECT BY XXXXXXXX YY, 2019</b>	You or your attorney may file an objection with the Court explaining why you disagree with the Amendments to the 2016 Settlements and/or the request for attorneys’ fees. <i>See</i> Question 10 for specifics.
<b>GO TO THE HEARING ON XXXXXXXX YY, 2019</b>	You or your attorney may attend the hearing and ask to speak to the Court about the Amendments to the 2016 Settlements or attorneys’ fees. <i>See</i> Questions 12 to 14.
<b>DO NOTHING</b>	If you submitted a claim in the settlements, it will be processed and all valid claims will be paid after the Court grants final approval and after any appeals are resolved.
<b>NO RIGHT TO EXCLUDE YOURSELF</b>	You may no longer exclude yourself from 2016 Settlements. An opportunity to exclude yourself from the 2016 Settlements was already provided. The Amendments to the Settlements do not reduce the net settlement fund.

These rights and options – **and the deadlines to exercise them** – are explained in this Notice.

## **WHAT THIS NOTICE CONTAINS**

### **BASIC INFORMATION .....** Page 3

1. What is this Notice about?

### **RECENT CASE HISTORY .....** Page 3

2. What happened to the Settlements after they were approved in 2016?
3. What happened after the Ninth Circuit remanded to the District Court in February 2019?

### **THE AMENDMENTS TO THE SETTLEMENTS, INTEREST AND THE NEW TOTAL SETTLEMENT FUND .....** Page 4

4. What are the new terms of the Amendments to the 2016 Settlements?
5. Are other terms of the 2016 Settlements changed? What about interest?
6. What is the new total settlement amount?

### **IPP COUNSEL'S REDUCED REQUEST FOR ATTORNEYS' FEES .....** Page 4

7. What was IPP Counsel's prior attorneys' fees award in the case?
8. What is IPP Counsel's reduced fee request under the Amendments?

### **THE LAWYERS REPRESENTING YOU .....** Page 5

9. Do I have a lawyer representing me?

### **OBJECTING TO OR COMMENTING ON THE AMENDMENTS TO THE SETTLEMENTS OR ATTORNEYS' FEES .....** Page 5

10. How do I object or comment on the Amendments to the Settlements or attorney's fees?
11. May I exclude myself from the 2016 Settlements?

### **THE FAIRNESS HEARING.....** Page 6

12. When and where will the Court consider the Amendments to the Settlements and request for attorneys' fees?
13. Do I have to come to the hearing?
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### **GET MORE INFORMATION.....** Page 7

15. Where can I get more information?

### **SIGN UP FOR ELECTRONIC PAYMENT .....** Page 7

16. Can I sign up for electronic payment of my claim?

## **BASIC INFORMATION**

### **1. What is this Notice about?**

This Notice is to inform you about Amendments to the 2016 Settlements that have been reached with the seven Defendants who are parties to the 2016 Settlements.

## **RECENT CASE HISTORY**

### **2. What happened to the Settlements after they were approved in 2016?**

The District Court approved settlements in 2016 totaling \$541,750,000. The 2016 Settlements, in conjunction with settlements previously entered with Chunghwa and LG for \$35,000,000, provided for a total settlement amount of \$576,750,000.

Certain individuals and entities objected to the 2016 Settlements (the “Objectors”) on a number of grounds. The District Court overruled those objections and the Objectors appealed to the Ninth Circuit Court of Appeals.

In the Ninth Circuit, the Objectors objected to the release of claims by indirect purchasers who purchased CRT Products in states that did not qualify to participate in the distribution of the settlement fund pursuant to the approved plan of distribution. At oral argument, the Ninth Circuit panel expressed concern about whether it was proper to release claims for indirect purchases made in certain states when there were no named plaintiffs from those states and class members who made purchases in those states would not participate in distribution of the settlement fund. After court-ordered mediation in the Ninth Circuit was unsuccessful, and after unsuccessful motion practice in the District Court and in the Ninth Circuit, the Ninth Circuit panel, on February 13, 2019, remanded the case to the District Court to reconsider its approval of the settlements.

### **3. What happened after the Ninth Circuit remanded to the District Court in February 2019?**

After remand in February 2019, the District Court (1) confirmed Trump, Alioto, Trump & Prescott LLP as Lead Counsel for the 22 Indirect Purchaser State Classes; (2) appointed separate counsel as interim co-lead counsel for Arkansas, Massachusetts, Missouri, Montana, New Hampshire, Oregon, Rhode Island, South Carolina, and Utah (the “9 Repeater States”); (3) appointed separate counsel as interim lead counsel for Alabama, Alaska, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maryland, New Jersey, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, Washington, and Wyoming (the “20 Non Repeater States”); and (4) entered an order referring the matter to Magistrate Judge Jacqueline Scott Corley for settlement.

At the direction of Magistrate Judge Corley, counsel for the seven Defendants and Class Counsel for the 22 Indirect Purchaser State Classes (“IPP Counsel”), participated in two mediation sessions in May and July 2019. As a result of the mediation sessions, Amendments to the Settlements were entered into with the seven Defendants.

**THE AMENDMENTS TO THE SETTLEMENTS, INTEREST  
AND THE NEW TOTAL SETTLEMENT FUND**

**4. What are the terms of the Amendments to the Settlements?**

The amendments to the settlement agreements are as follows:

- (a) The settlement class definition is narrowed to include only members of the 22 Indirect Purchaser State Classes. The Nationwide Class, which was previously included in the 2016 Settlements, is no longer included in the settlement class. As a result, only members of the 22 Indirect Purchaser State Classes are releasing their claims against the seven Defendants. Thus, claims based on indirect purchases of CRT Products made in all other states, including the 9 Repeater States and the 20 Non Repeater States, are no longer being released.
- (b) Each defendant's settlement amount is reduced by approximately 5.35% for a total of \$29,000,000. This reduces the settlement fund for the six settlements to \$512,750,000.
- (c) The attorneys' fee award to be requested by IPP Counsel is reduced by \$29,000,000 in order to offset the reduction in the settlement amounts, and ensure there is no adverse impact on class members.

**5. Are other terms of the 2016 Settlements changed? What about interest?**

No. All other terms of the original settlement agreements remain the same, including provisions related to interest earned on the settlement funds. The original settlement amounts, which were deposited in 2015, have been earning interest since that time. All interest earned on the original settlement amounts from the date of deposit will remain in the fund for the benefit of class members, except that as provided in the original settlement agreements, IPP Counsel will be entitled to seek the interest accrued on their final fee award. As of August 2019, the approximate interest earned on the \$541,750,000 is \$13,000,000. Interest continues to accrue daily.

**6. What is the new total settlement amount?**

The new total settlement amount is \$547,750,000 plus accrued interest. This amount includes the new total amount resulting from the Amendments to the Settlements (\$512,750,000) plus the total amount of the earlier settlements with Chunghwa Picture Tubes, Ltd. and LG Electronics, Inc. (\$35,000,000).

**IPP COUNSEL'S REDUCED REQUEST FOR ATTORNEYS' FEES**

**7. What was IPP Counsel's prior attorneys' fees award in the case?**

In 2016, the Court approved an award of attorneys' fees to IPP Counsel in the amount of \$158,606,250. This award amounted to 27.5 percent of the then-total settlement fund of \$576,750,000. The 2016 Settlements also provided that IPP Counsel were entitled to seek accrued interest on their fee award.

## **8. What is IPP Counsel's reduced fee request under the Amendments to the Settlements?**

The new total settlement amount is \$547,750,000 plus accrued interest. This amount includes the total amount resulting from the Amendments to the Settlements (\$512,750,000) plus the total amount of the earlier settlements with Chunghwa Picture Tubes, Ltd. and LG Electronics, Inc. (\$35,000,000).

The Amendments require IPP Counsel to reduce their request for attorneys' fees by \$29,000,000. This sum is designed to offset the reduction in the total settlement fund from \$576,750,000 to \$547,750,000, so as to ensure that the net settlement funds (*i.e.*, the settlement funds remaining after deducting fees and court-approved expenses) available for distribution to class members in the 22 Indirect Purchaser State Classes remain unchanged as a result of the Amendments to the Settlements.

If approved by the Court, IPP Counsel's new fee award will be reduced to \$129,606,250, or 23.66% of the new total settlement fund of \$547,750,000.

## **THE LAWYERS REPRESENTING YOU**

### **9. Do I have a lawyer representing me?**

Members of the 22 Indirect Purchaser State Classes have been, and continue to be, represented by a number of law firms led by the Court-appointed "Lead Class Counsel": Trump, Alioto, Trump & Prescott LLP, 2280 Union Street, San Francisco, CA 94123. If you are a member of the 22 Indirect Purchaser State Classes, you do not have to pay IPP Counsel separately. IPP Counsel will seek compensation by asking the Court for a share of the settlement proceeds. If you want to be represented by your own lawyer, and have that lawyer appear in court for you in this case, you may hire one at your own expense.

## **OBJECTING TO OR COMMENTING ON THE AMENDMENTS TO THE SETTLEMENTS OR ATTORNEYS' FEES**

### **10. How do I object or comment on the Amendments to the 2016 Settlements or attorneys' fees?**

If you are a member of the 22 Indirect Purchaser State Classes and submitted a claim in or objected to the 2016 Settlements, you may ask the Court to deny approval of the Settlements as amended by the Amendments or to the attorneys' fees request by filing objections with the Court. Please note that you cannot ask the Court to order a larger settlement or change the terms of the settlements; the Court can only approve or deny the Settlements as amended by the Amendments. If the Court denies approval, no settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you must object.

If you decide to object, you must do so in writing. Written objections must include the following information:

- Your name, address, telephone number, and if you are being assisted by a lawyer, the lawyer's name, address and telephone number;
- The Action name and number (*In Re: Cathode Ray Tube (CRT) Antitrust Litigation*, MDL No. 1917);
- Proof of membership in one or more of the 22 Indirect Purchaser State Classes;
- A brief explanation of your reasons for objecting; and
- Your signature.

The objection must be submitted to the Court either by mailing it to the Class Action Clerk at the address below, or by filing it in person at any location of the United States District Court for the Northern District of California.

**The deadline to file objections with the Court is xxxxx, 2019:**

COURT
Class Action Clerk United States District Court for the Northern District of California 1301 Clay Street, Suite 400 S Oakland, CA 94612

#### **11. May I exclude myself from the Amended 2016 Settlements?**

No. An opportunity to exclude yourself from the 2016 Settlements was already provided. You may not exclude yourself from the Amended Settlements.

#### **THE FAIRNESS HEARING**

#### **12. When and where will the Court consider the Amendments to the 2016 Settlements and request for attorneys' fees?**

The Court is scheduled to hold a Fairness Hearing to reconsider its approval of the 2016 Settlements as amended by the Amendments thereto at **xx:xx a.m.** on **xxxxx, 2019**, at the United States Courthouse, Courtroom 6, 2nd Floor, 1301 Clay Street, Oakland, CA 94612. The hearing may be moved to a different date or time without additional notice, so you should check the website [www.CRTclaims.com](http://www.CRTclaims.com) for current information.

At this hearing, the Court will consider whether the 2016 Settlements as amended are fair, reasonable, and adequate. The Court will also consider the reduced request for attorneys' fees. If there are objections or comments, the Court will consider them at this time. After the hearing, the Court will decide whether to approve the 2016 Settlements as amended by the Amendments thereto, and the request for attorneys' fees. We do not know how long these decisions will take.

#### **13. Do I have to come to the hearing?**

No. Class Counsel will answer any questions the Court may have. But you are welcome to come at your own expense. If you file an objection or comment, you don't have to come to Court to talk about it. As long as you filed your written objection on time, your objection will be presented to the Court for its consideration. You may also request another lawyer to attend the hearing on your behalf and at your own expense, but it's not required.

#### **14. May I speak at the hearing?**

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must file a "Notice of Intent to Appear in *In re: Cathode Ray Tube (CRT) Antitrust Litigation*, MDL No. 1917." Be sure to include your name, address, telephone number and your signature. Your Notice of Intent to Appear must be submitted to the Court either by mailing it to the Class Action Clerk at the address in Question 10 above, or by filing it in person at any location of the United States District Court for the Northern District of California no later than **xxxxx, 2019**.

**GET MORE INFORMATION**

**15. Where can I get more information?**

This notice summarizes the Amendments to the 2016 Settlements. For the precise terms and conditions of the Amendments, please see the Amendments to the Settlement Agreements available at [www.CRTclaims.com](http://www.CRTclaims.com). We encourage you to check this website regularly for developments in this case. You can also get more information about the settlements in the litigation by:

- Calling 1-800-649-0963;
- Writing to CRT Questions, c/o The Notice Company, P.O. Box 778, Hingham, MA 02043;
- Accessing the Court docket in this case through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>; or
- Visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, Courtroom 6, 2nd Floor, 1301 Clay Street, Oakland, CA 94612, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

**SIGN UP FOR ELECTRONIC PAYMENT**

**16. Can I sign up for electronic payment of my claim?**

If the Court approves the 2016 Settlements as amended by the Amendments, and any appeals are resolved in favor of approval, payments will be made to claimants that have valid claims. If you would like to arrange to receive your payment electronically, for example to your Google Wallet or PayPal account, please see Electronic Payment Option available at [www.CRTclaims.com](http://www.CRTclaims.com).

**ALL INQUIRIES CONCERNING THIS NOTICE  
SHOULD BE MADE TO THE SETTLEMENT ADMINISTRATOR**

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE**